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ABSTRACT

This digest summarizes the rights and responsibilities of parents of children in the special education process under the Individuals with Disabilities Education Act (IDEA) Amendments of 1997. Among 15 rights listed are a free appropriate public education for every child, informed consent concerning evaluation and programmatic decisions, evaluation of the child in his/her primary language, participation in all individualized education program (IEP) or individualized family service plan (IFSP) team decisions, and voluntary mediation or a due process hearing to resolve differences with the school. Among the eight parental responsibilities listed are: asking for explanations of any unclear program aspects, making sure that IEP or IFSP goals and objectives are specific, monitoring the child's progress, keeping records, and joining a parent organization. The digest also suggests ways in which the parent can help the IEP or IFSP process, such as identifying the specific things the parent feels the child should learn, understanding the related services being provided, and discussing methods of effective discipline. Suggested organizational resources are also listed. (DB)

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Rights and Responsibilities of Parents of Children with Disabilities

Bernadette Knoblauch

What Are Your Rights, as a Parent, in the Special Education Process?

Public Law 105-17, the Individuals with Disabilities Education Act (IDEA) Amendments of 1997, clearly strengthens the rights of children with disabilities and their parents. It builds on the achievements gained under Public Law 94-142, the Education for the Handicapped Act, and Public Law 101-476, the Individuals with Disabilities Education Act (IDEA). A fundamental provision of these special education laws is the right of parents to participate in the educational decision-making process. This includes the right to:

- A free appropriate public education for your child. *Free* means at no cost to you as parents. *Appropriate* means meeting the unique educational needs of your child.
- Request an evaluation if you think your child needs special education or related services.
- Be notified whenever the school wants to evaluate your child or change your child's educational placement, or refuses your request for an evaluation or a change in placement.
- Informed consent. *Informed consent* means you understand and agree in writing to the evaluation and educational program decisions for your child. Your consent is voluntary and may be withdrawn at any time.
- Obtain an independent evaluation if you disagree with the school's evaluation.
- Request a reevaluation if you think your child's present educational placement is no longer appropriate. The school must *reevaluate* your child at least once every 3 years, but your child's educational program must be *reviewed* at least once during each calendar year.
- Have your child tested in the language he or she knows best. For example, if your child's primary language is Spanish, this is the language in which he or she must be tested. Students who are deaf have the right to an interpreter during the testing.
- Review *all* of your child's school records. You may request copies of these records, but the school may charge you a reasonable fee for making the copies. Only you, as parents, and those persons directly involved in the education of your child will be permitted access to personal records. If you feel that some information in your child's records is inaccurate or misleading or violates the privacy or other rights of your child, you may request that the information be changed. If the school refuses your request, you have the right to request a hearing in order to challenge the questionable information in your child's records or you may file a complaint with your state education agency.
- Be fully informed by the school of all rights that are provided to you under the law.
- Participate in the development of your child's individualized education program (IEP) or individualized family service plan (IFSP), if your child is under school age . The school must make every possible effort to notify you of the IEP or IFSP meeting and then arrange it at a time and place that is convenient for both you and the school.
- Participate in all IEP or IFSP team decisions, including placement.
- Request an IEP or IFSP meeting at any time during the school year.
- Be kept informed about your child's progress at least as often as parents of children who do not have disabilities.
- Have your child educated in the least restrictive environment possible. Every effort should be made to develop an educational program that provides your child with the services and supports needed in order to be taught with children who do not have disabilities.
- Voluntary mediation or a due process hearing to resolve differences with the school that can not be resolved informally. Be sure you make your request in writing, date your request, and keep a copy.

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What Are Your Responsibilities, as a Parent, in the Special Education Process?

Parents have a key role in the special education process. The following suggestions may offer some guidance:

- Develop a partnership with the school. Share relevant information about your child's education and development. Your observations can be a valuable resource in your child's progress.

- Ask for an explanation of any aspect of the program that you don't understand. Educational and medical terms can be confusing, so do not hesitate to ask.

- Make sure the IEP or IFSP goals and objectives are specific. This will ensure that everyone teaching your child is working toward the same goals. Take the IEP or IFSP home to think about it before you sign it. You have 10 school days in which to make a decision.

- Make sure your child is included in the regular school activities program as much as is appropriate, including nonacademic areas such as lunch and recess and other areas such as art, music, and physical education.

- Monitor your child's progress and periodically ask for a report. If your child is not progressing, discuss it with the teacher and determine whether the program should be modified. As a parent, you can initiate changes in your child's educational program.

- Try to resolve directly with the school any problems that may occur with your child's assessment, placement, or educational program. In some situations, you may be unsure of how to proceed to resolve a problem. Most states have protection and advocacy agencies that can provide you with the guidance you need to pursue your case.

- Keep records. There may be questions about your child that you will want to discuss, as well as meetings and phone conversations you will want to remember. It is easy to forget important information that is not written down.

- Join a parent organization. Besides sharing knowledge, experiences, and support, a parent group often can be an effective force on behalf of your child. Parents often find that, as a group, they have the power to bring about needed changes to strengthen special services.

As the Parent of a Child with a Disability, What Can You Offer the IEP or IFSP Process?

Parents of children with disabilities should be involved in the process as much as they want to be and as much as they can be. The following are some ways in which parents can become involved:

- Before attending an IEP or IFSP meeting, make a list of things you want your child to learn. Take notes about aspects of your child's behavior that could interfere with the learning process. Describe the methods you have found to be successful in dealing with these behaviors.

- Bring any information the school may not already have to the IEP or IFSP meeting. Examples include copies of medical records, past school records, or test or evaluation results. Remember, reports do not say all there is to say about a child. You can add real-life examples to demonstrate your child's ability in certain areas.

- Find out what related services are being provided, and ask each professional to describe the kind of service he or she will be providing and what improvement you might expect to see as a result of these services.

- Ask what you can do at home to support the program. Many skills your child learns at school can also be used at home. Ask to meet with the teacher when your child is learning a new skill that could be practiced at home.

- Discuss methods for handling discipline problems that you know are effective with your child.

- Regard your child's education as a cooperative effort. If at any point you and the school cannot reach an agreement over your child's educational and developmental needs, ask to have another meeting. This would allow time for you and the school to gather more information. If there is still a conflict over your child's program after a second meeting, ask for a state mediator or a due process hearing.

- When you feel teachers and school personnel are doing a good job, tell them.

What Resources Are Available to Help You?

Your local and state education agencies have information to help guide you through the special education process. Since the specific criteria and procedures used by school districts may vary, your local director of special education and his or her staff can help you access such information. Additional resources are available from national organizations. Some of them will also be able to direct you to local and state chapters that can provide more local support:

The ARC, 500 East Border Street, Suite 300, Arlington, TX 76010

Children with Attention Deficit Disorders (CHADD), 499 NW 70th Avenue, Suite 308, Plantation, FL 33317

The Council for Exceptional Children, 1920 Association Drive, Reston, VA 20191

Learning Disability Association (LDA), 4156 Library Road, Pittsburgh, PA 15234

National Information Center for Children and Youth with Disabilities (NICHCY), PO Box 1492, Washington, DC 20013

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